IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.1059 of 2008
PRAKASH MAHTO & ANR
Versus
THE STATE OF BIHAR
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03 06.05.2008 Heard both sides.

The petitioners are an accused in a case instituted under sections 302,379 and 34 of the Indian Penal Code.

As per the First information Report lodged by the wife of the deceased, the deceased had gone to the house of Sant Kumar Sah for consuming wine and when he did not return the informant went to the house of Sant Kumar Sah where she was told that her husband after consuming wine along with Sant Kumar Sah, his brother and these two petitioners had returned to his house. In the next morning the dead body of the deceased was found. Learned counsel for the petitioners submits that admittedly there is no eye witness to the occurrence. It has further been submitted that allegation of going the petitioner to the house of Sant Kumar Sah is doubted in view of the facts disclosed in para No.6 of the bail application. It further appears that the petitioners are full brother. It has further been submitted that petitioner No.1 namely Prakash Mahto is in jail custody since 30.07.2007 and petitioner No.2 namely Makeshwar Mahto is in jail custody since 10.09.2007.

In the facts and circumstances, let the petitioners namely, Prakash Mahto and Makeshwar Mahto be released on

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bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Saran at Chapra in connection with Marhowrah P.S.Case No.94 of 2007, subject to the condition that one of the bailers should be the own family member of the petitioners.

Sym/ **(Kishore K.Mandal, J.)**

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